

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

//

CRIMINAL NO. 1:12CR1-1
(Judge Keeley)

HARVEY BREWER,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On February 22, 2012, the defendant, Harvey Brewer ("Brewer") filed a pro se motion to dismiss indictment (dkt. no. 22). Pursuant to 28 U.S.C. § 636(b)(1), the Court referred this matter to United States Magistrate Judge John S. Kaul for a report and recommendation. On March 2, 2012, Magistrate Kaul issued an Opinion and Report and Recommendation ("R&R") in which he recommended that Brewer's motion be denied (dkt. no. 28). Magistrate Kaul determined that the defendant is not entitled to file any pro se motions because he is represented by counsel; that the motion is untimely; and that the motion has no legal merit. Brewer filed objections to the R&R on February 15, 2012 (dkt. no. 53).

After conducting a de novo review, the Court concludes that Brewer's objections lack legal merit. Accordingly, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 28) and **DENIES** Brewer's pro se motion to dismiss indictment (dkt. no. 22).

ORDER ADOPTING REPORT AND RECOMMENDATION

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to transmit copies of this Order to counsel of record.

DATED: March 16, 2012.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE